

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division of Water

4 (Amendment)

5 401 KAR 8:020. Public and semipublic water systems; submetering; general provisions.

6 RELATES TO: KRS 211.350-211.392, 223.160-223.220, 224.10-100, 224.10-110,
7 224.16-050, 369, 40 C.F.R. 141, 142.14, 142.15, 142.16, 142.20, 142.21, 142.40-142.65

8 STATUTORY AUTHORITY: KRS 223.200, 224.10-100(28), 224.10-110(2), 40 C.F.R.
9 141.3, 141.31, 141.75, 142.14, 142.15, 142.20, 142.21, 142.40-142.65, 42 U.S.C. 300f-300j-26

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(28) and 224.10-
11 110(2) authorize the cabinet to promulgate administrative regulations for the regulation and
12 control of the purification of water for public and semipublic use. This administrative regulation
13 establishes the general provisions for regulating public and semipublic water supplies.

14 Section 1. A public or semipublic water system shall be subject to the requirements of
15 401 KAR Chapter 8, except those exempted in 40 C.F.R. 141 and 142[~~141.3~~].

16 Section 2. Submetering. (1) A property using submeters as defined by 401 KAR
17 8:010(26) shall not be considered a public water system as defined by 40 C.F.R. 141.2 and,
18 except for this administrative regulation, shall be exempt from the requirements of 401 KAR
19 Chapter 8.

20 (2)(a) A property using submeters as defined by 401 KAR 8:010(26) and exempt from

1 the requirements of 401 KAR Chapter 8 shall:

2 1. Receive all of its water from a public water system and shall not change the quality of
3 water provided to customers;

4 2. Be located on property owned by a single person, entity, individual, or a co-op or
5 condominium association of property owners;

6 3. Not be regulated as a water utility by the Kentucky Public Service Commission; and

7 4. Not charge tenants an amount that exceeds tenants' share of the actual amount charged
8 by the public water system to the owner or operator of a property using a submetered system,
9 based on the tenants' actual water usage in proportion to the total amount of water used for the
10 entire submetered property.

11 (b) The owner or operator of a property using a submetered system shall designate a
12 person or organization as the owner or operator of the submetered system and shall provide the
13 name, address, and phone number of the designated owner or operator upon request by the
14 cabinet.

15 (c) The owner or operator of a property using a submetered system shall certify to the
16 cabinet in writing that the:

17 1. Submetered system does not have any cross connections; and

18 2. Applicable provisions of 815 KAR 20:120 have been met.

19 (3) An advisory received by the owner or operator pursuant to Section 3(9) of this
20 administrative regulation shall be disseminated to property tenants in the manner established in
21 Section 3(10) of this administrative regulation.

22 (4) Public notices and consumer confidence reports received by the owner or operator
23 pursuant to 401 KAR 8:075 shall be disseminated to property tenants in the next billing period.

1 Section 3[2]. (1) Public and semipublic water systems. A person shall not operate or
2 commence operation of a public or semipublic water system except in compliance with the
3 provisions of 401 KAR Chapter 8 and 40 C.F.R. 141. A water supply system constructed prior to
4 November 11, 1990 may be continued in use, if the operation, maintenance, bacteriological,
5 chemical, physical, and radiological standards comply with 401 KAR Chapter 8, or the system
6 obtains a variance or exemption from those standards in accordance with 40 C.F.R. 141.

7 (2)(a) A cross-connection shall be prohibited.

8 (b) The use of automatic devices, such as a reduced pressure zone back flow preventer
9 and a vacuum breaker, may be approved to protect public health, in lieu of air gap separation.

10 (c) A combination of air gap separation and an automatic device shall be required if
11 determined by the cabinet to be necessary due to the degree of hazard to public health.

12 (d) Every public water system shall determine if or where a cross-connection exists and
13 shall immediately eliminate it.

14 (3) A bypass shall not be created or maintained without the prior written approval of the
15 cabinet stating the approved circumstances for establishment of a bypass, its design, and the
16 exact conditions for its use.

17 (4) An auxiliary intake shall not be used in direct connection with a public or semipublic
18 water system except with prior written approval from the cabinet stating the emergency
19 condition that necessitates the intake.

20 (5) The plumbing system serving the purification plant and auxiliary facilities shall
21 discharge to a sewer system if available.

22 (a) If a sewer is not available, the connection shall be made to a sewage disposal facility
23 approved pursuant to KRS Chapter 211.350 through 211.392 or 224.16-050.

(b) There shall not be connections between the sewer system and a filter backwash, filter-to-waste drain, or clearwell overflow line, unless an air gap is provided between the drain and overflow line and the sanitary storm sewer or natural drainage system, so as to preclude the possibility of back-up of sewage or waste into the drain or overflow line.

(6) The owner or operator of a public water system shall operate and maintain the facilities and systems of treatment, intake, and distribution to comply with the provisions of 401 KAR Chapter 8 including~~[- Operation and maintenance includes]~~ effective performance; preventive maintenance; operator staffing and training pursuant to 401 KAR 8:030, 11:040, and 11:050; establishing representative sample points that comply with the requirements of 401 KAR Chapter 8; and adequate process controls for testing, including quality assurance procedures.

(7) Reports to the cabinet.

(a) The supplier of water shall provide a complete monthly operating report to the cabinet, which shall be received at the Division of Water, 300 Sower Boulevard, Frankfort, Kentucky 40601 not later than ten (10) days after the end of the month for which the report is filed.

1. A completed report shall include:

a. Volume of water treated;

b. Average number of hours per day water is being treated;

c.[b:] Type and amount of chemicals added;

d.[e:] Test results appropriate to be reported by the plant; and

e.[d:] The dated original signature, or equivalent, pursuant to KRS Chapter 369, of the owner or authorized agent.

2. A supplier of water shall submit the reports required by 40 C.F.R. 141.75(b) to the

cabinet not later than ten (10) days after the end of each month the public water system serves water to the public.

3. A public water system shall report to the cabinet in accordance with 40 C.F.R. 141.31.

(b) The public water system shall submit to the cabinet a completed Annual Water System Data form, DOW0801, (April 2017) not later than January 10 of each year.

(c) Reports of failure to comply. A public water system shall report to the cabinet within forty-eight (48) hours, by phone or in writing, the failure to comply with a monitoring requirement of 401 KAR Chapter 8 or any other provision of 401 KAR Chapter 8~~[, including the failure to comply with monitoring requirements]~~.

~~(d)~~~~(e)~~ Emergency reports.

1. If a public water system experiences a line break or loss of pressure as established in 401 KAR 8:150, Section 4(2)(e), loss of disinfection, or other event that may result in contamination of the water, the public water system shall immediately report to the cabinet by calling the Division of Water in Frankfort at (502) 564-3410 or the appropriate regional field office of the Division of Water.

2. If a report required by this paragraph is made during other than normal business hours, it shall be made through the twenty-four (24) hour environmental emergency telephone number, (800) 928-2380.

(8) Records to be maintained. An owner or operator of a public water system shall keep the records established in 40 C.F.R. 141.33 on the premises or readily accessible to cabinet staff inspecting the system.

(9) Boil water and consumer advisories.

(a) Boil water advisories.

1 1. A public water system or semipublic water system shall issue a boil water advisory if
2 the system believes an advisory is warranted.

3 2. The cabinet may direct that a boil water advisory be issued upon:

4 a. The reception of confirmed positive bacteriological results, for example,~~[including]~~ E.
5 coli or fecal coliform, in at least one (1) sample; or

6 b. Other circumstances that warrant an advisory for the protection of public health.

7 3. The cabinet may, if circumstances warrant for the protection of public health, issue a
8 boil water advisory directly, rather than rely on a public or semipublic water system to issue the
9 advisory.

10 4. A boil water advisory shall remain in effect until the cabinet approves the lifting of the
11 advisory based on bacteriological results showing coliform bacteria are not present in the water.

12 (b) Consumer advisory.

13 1. The cabinet may issue a consumer advisory if:

14 a. Conditions within a public water system or semipublic water system indicate a possible
15 adverse health effect from consumption of the water distributed by the system; or

16 b. Other information of interest to the consumer exists.

17 2. The advisory shall notify affected persons of a required or recommended action.

18 (c) A public or semipublic water system shall:

19 1. Immediately notify the local health department that serves the area affected if a boil
20 water advisory or consumer advisory is issued.

21 a. The notification may be made by telephone, email, or fax machine for an occurrence
22 during normal business hours.

23 b. For an occurrence after normal business hours, the public or semipublic water system

shall notify the affected local health department in a manner agreed upon by the system and affected health department; or

2. Develop a protocol with a local health department that describes when and how the system shall notify the affected health department if the system issues a boil water advisory or consumer advisory. The protocol shall address:

a. For which types of advisories the system shall notify the affected health department;

b. What procedures shall be used to notify and under what circumstances;

c. How soon after the occurrence the notification shall be made; and

d. To whom the notification shall be made, during and after business hours.

(10) How to issue an advisory.

(a) A boil water advisory or consumer advisory shall be issued through newspapers, radio, television, or other media having an immediate public impact.

(b) As a health and safety measure, the water system shall repeat the notification during the period of imminent danger at intervals that maintain public awareness.

(c)1. The advisory shall be readily understandable and shall include instructions for the public, as well as an explanation of the steps being taken to correct the problem.

2. Boiling instructions shall caution to boil water to be used for consumption by boiling the water for at least three (3) minutes at a rolling boil.

(11) Maps.

(a) A public or semipublic water system shall have on the premises, or readily accessible to cabinet staff inspecting the system, an up-to-date map of the distribution system. The map shall, at a minimum, show:

1. Line size;

1 2. Cutoff valves;

2 3. Fire hydrants;

3 4. Flush hydrants;

4 5. Tanks;

5 6. Booster pumps;

6 7. Chlorination stations;

7 8. Connection to emergency or alternative sources;

8 9. Wholesale customer master meters; and

9 10. Type of piping material in the distribution system and its location.

10 (b)1. If a public water system is not able to comply with the requirements of paragraph
11 (a) of this subsection, the system may petition the cabinet to modify this requirement.

12 2. The petition for modification shall state specifically what portion of the requirements
13 of paragraph (a) of this subsection is not practical and why.

14 (12) Operation and maintenance manual.

15 (a) Each public water system shall develop and keep on the premises, for operators and
16 employees of the system, an operation and maintenance manual that includes:

17 1. A detailed design of the plant;

18 2. Daily operating procedures;

19 3. A schedule of testing requirements designating who is responsible for the tests;[and]

20 4. Safety procedures for operation of the facility, including storage and inventory
21 requirements for materials and supplies used by the facility; and

22 5. Procedures for issuing a boil water advisory and consumer advisory as established in
23 this administrative regulation, including notification to the public and local health department

1 and consumers.

2 (b) The operation and maintenance manual shall be updated as necessary, but not less
3 than annually, and shall be available for inspection by the cabinet.

4 (c) A public water system[systems] serving fewer than 100 people or thirty (30) service
5 connections may request that the cabinet waive the requirements of paragraphs (a) and (b) of this
6 subsection. The request shall be in writing and any waiver granted by the cabinet shall be in
7 writing and be retained by the public water system for examination by cabinet personnel.

8 (13) Flushing[recommended]. Each community water system shall establish and maintain
9 a flushing program that ensures:

10 (a) Dead end and low usage mains are flushed periodically;

11 (b) Drinking water standards are met; and

12 (c) Sediment and air removal and disinfectant residuals established in 401 KAR 8:150,
13 Section 1 are maintained.

14 ~~[(a) To protect public health, a distribution system may be thoroughly flushed at least~~
15 ~~twice a year, usually in the spring and fall. The purpose of systematic flushing is to reduce~~
16 ~~turbidity created from the scouring of accumulated sediment within the water lines.~~

17 ~~1. Flushing shall start at the hydrants nearest the source of supply and proceed in an~~
18 ~~outward direction to the end of each main.~~

19 ~~2. Flushing shall continue at each hydrant until all traces of turbidity and color are gone.~~

20 ~~3. Hydrants shall be opened and shut slowly to prevent damage from water hammer.~~

21 ~~(b) In addition to the regularly scheduled flushing, the following conditions shall indicate~~
22 ~~a need to flush the entire system:~~

1 ~~1. Turbidity within the distribution system greater than five (5) or one (1) nephelometric~~
2 ~~turbidity units, or NTU, as applicable to the system;~~

3 ~~2. An inability to maintain an adequate residual of a disinfection agent in any part of the~~
4 ~~system; or~~

5 ~~3. A heterotrophic plate count, or HPC, in excess of 500.~~

6 ~~(c) Other indicators that flushing may be necessary shall be taste and odor complaints,~~
7 ~~color of water, contaminated water samples, or line repairs.]~~

8 (14) A person shall not introduce into the water supply system a substance that may have
9 a deleterious physiological effect, or for which physiological effects may not be known.

10 (15) Certified lab analysis required. For the purpose of determining compliance with the
11 sampling requirements of 401 KAR Chapter 8, samples shall be analyzed by a laboratory
12 certified by the cabinet as established~~[prescribed]~~ in 401 KAR 8:040, except that measurements
13 for turbidity, disinfectant residuals, and other parameters established~~[specified]~~ by 40 C.F.R.
14 141.28 and 141.131 may be performed by a certified operator or an individual under the
15 supervision of a certified operator.

16 (16) Right of entry. The cabinet may enter an establishment, facility, or other property of
17 public and semipublic water supplies in order to determine if~~[whether]~~ the supplies have acted or
18 are acting in compliance with applicable laws or regulations that the cabinet has the authority to
19 enforce.

20 (a) Entry may include, for example, collection of water samples for laboratory analyses
21 and inspection of records, files, papers, processes, controls, and facilities required to be kept,
22 installed, or used under the provisions of 401 KAR Chapter 8.

23 (b) The cabinet or its authorized agent may cause to be tested a feature of a public water

1 system, including its raw water source, to determine compliance with applicable legal
2 requirements.

3 ~~(17)[Recommended practices for water supply reservoirs to be used for drinking water.~~
4 ~~The following practices may be employed by water systems that have a lake primarily used as a~~
5 ~~source of raw drinking water:~~

6 ~~(a) Prohibition of swimming, water skiing, and other contact sports;~~

7 ~~(b) Prohibition of large motor driven craft or any craft with toilets;~~

8 ~~(c) A requirement that an area at least 100 feet wide from the upper pool elevation be~~
9 ~~kept clear of all sources of potential contamination such as septic tanks, drain fields, livestock,~~
10 ~~and barns;~~

11 ~~(d) Prohibition of effluent from sewage treatment plants being discharged into the lake;~~

12 ~~(e) Picnicking may be permitted around the lake if plans for the development of a picnic~~
13 ~~area meet regulatory requirements of the cabinet; and~~

14 ~~(f) Implementation of a nonpoint source pollution control plan.~~

15 (18)] Water treatment chemicals and system components. Chemical additives and
16 protective materials, such as paints and linings, may be used by a water system if they meet the
17 requirements established in the Recommended Standards for Water Works, 2012 Edition, A
18 Report of the Water Supply Committee of the Great Lakes-Upper Mississippi River Board of
19 State Public Health and Environmental Managers' Recommended Standards for Water Works,
20 2012.

21 (18)[(19)] Disposal of chlorinated water. Chlorinated water resulting from disinfection of
22 treatment facilities and new, repaired, or extended distribution systems shall be disposed in a
23 manner that shall not violate 401 KAR 10:031.

1 ~~(19)~~(20) Water loading stations. A public water system that provides water loading
2 stations for the purpose of providing water to water hauling trucks or other bulk water devices
3 shall construct the stations to conform to the standards in the Great Lakes-Upper Mississippi
4 River Board of State Public Health and Environmental Managers' Recommended Standards for
5 Water Works.

6 Section 4~~[3]~~. The cabinet shall maintain records and submit reports as established in 40
7 C.F.R. 142.14, 142.15, and 142.16(f).

8 Section 5~~[4]~~. A public water system may receive a variance or exemption from some
9 provisions of 401 KAR Chapter 8 only in accordance with 40 C.F.R. 141.4.

10 Section 6~~[5]~~. A public water system may use noncentralized treatment devices only in
11 accordance with 40 C.F.R. 141.100 or bottled water only in accordance with 40 C.F.R.~~[141,~~
12 ~~Sections]~~ 141.101.

13 Section 7~~[6]~~. Incorporation by Reference. (1) The following material is incorporated by
14 reference:

15 (a) "Recommended Standards for Water Works, 2012 Edition~~[2003]~~," A Report of the
16 Water Supply Committee of the Great Lakes-Upper Mississippi River Board of State Public
17 Health and Environmental Managers, 2012; and~~[is incorporated by reference.]~~


18 (b) "Annual Water System Data" form, DOW0801, (April 2017).

19 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
20 law, at Division of Water, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through
21 Friday, 8 a.m. to 4:30 p.m. This material is also available the division's Web site at
22 <http://water.ky.gov>.

23 (3) The "Recommended Standards for Water Works, 2012 Edition," A Report of the

- 1 Water Supply Committee of the Great Lakes-Upper Mississippi River Board of State Public
- 2 Health and Environmental Managers, 2012, may also be obtained at
- 3 <http://10statesstandards.com/waterrev2012.pdf>.

401 KAR 8:020 Public and semipublic water systems; submetering; general provisions is approved for filing.


Charles G. Snavely, Secretary
Energy and Environment Cabinet

4/12/2017
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Thursday, May 25, 2017 at 6:00 p.m. Eastern Time at the Department for Environmental Protection, Training Room C, 300 Sower Boulevard, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through May 31, 2017. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person.

Contact person: Carole J. Catalfo
Internal Policy Analyst, RPPS,
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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

401 KAR 8:020

Contact Person: Carole J. Catalfo
Phone: (502) 782-6914
Email: water@ky.gov (Subject Line: "Chapter 8 regulations")

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation provides general provisions for the regulation of public and semipublic water systems.

(b) The necessity of this administrative regulation: This administrative regulation provides a general framework for public water systems to protect public health, including treatment, reporting, and recordkeeping requirements. All states with primary authority to implement and enforce the Safe Drinking Water Act must have regulations compatible with the federal program.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100 and 224.10-110 authorize the cabinet to regulate public and semipublic water systems. 40 C.F.R. 141 and 142 provide a portion of the regulatory framework to administer the federal Safe Drinking Water Act (42 U.S.C. 300f-300j-26).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulations provides public water systems with a general framework for treating water to protect public health.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendments exempt submetering from inclusion as public water systems under certain conditions, correct references to 40 C.F.R. 141 and 142, update notification methods to include social media and email, add the average time water is treated daily to reporting requirements, add advisory procedures to operation plans, require public water systems to establish a flushing program, remove language regarding recommended practices for water supply reservoirs, make advisory language and document titles consistent throughout 401 KAR Chapter 8, and update Materials Incorporated by Reference to their most current editions.

(b) The necessity of the amendment to this administrative regulation: These amendments are necessary to clarify roles and responsibilities regarding public and semipublic water systems.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100 and 224.10-110 authorize the cabinet to regulate public and semipublic water systems.

(d) How the amendment will assist in the effective administration of the statutes: The amendments clarify the practice of submetering and its associated responsibilities, update notification methods, reporting requirements, operations plans, and Materials Incorporated by Reference, require systems to establish a flushing program, and remove language regarding recommended practices for water supply reservoirs. These amendments align the regulations with current practices and technology, refine operations plans, and gives systems flexibility in establishing a flushing program.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The types of businesses that may use submetering are multi-unit apartment dwellings, mobile home parks, and condo and home owners associations. The number of submetered systems is unknown. There are 436 public water systems, and 52 semipublic water systems. Public water systems are often owned by city governments or organized under county governments. Other districts may, in some cases, have a water system.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities will need to report the average number of hours water is being treated to their monthly operating reports, and amend their Operations Manuals to include procedures to issue an advisory. Public water systems will need to establish a flushing program. Submetered properties will need to make certain that infrastructure and water usage billing meets regulatory requirements to be exempt as a public water system, and will also need to notify customers of advisories and reports issued by the public water system providing water to the submetered property.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The entities may incur nominal administrative costs to add information to monthly operating reports and Operations Manuals. Submetered properties may incur administrative costs for billing tenants for actual water usage, and to certify that it is an exempt submetered system. Public water systems that do not already have an established flushing program may incur costs in the design and implementation of a flushing program.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Regulated entities will have more refined and useful information in monthly operating reports and Operations Manuals. Submetered properties will be exempt from being regulated as a public or semipublic water system. Public water systems will have the flexibility to establish flushing programs that meet the needs of its system and customers.

(5) Provide an estimate of how much it will cost the administrative body to implement

this administrative regulation:

(a) Initially: There will be additional administrative costs to the Division of Water to collect and maintain data.

(b) On a continuing basis: The additional continuing costs to the Division of Water should be minimal.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Division of Water uses federal funds to administer the federal Safe Drinking Water Act.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional increase in fees or funding is anticipated.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or increase any fees directly or indirectly.

(9) TIERING: Is tiering applied? (Explain why or why not) Yes. This regulation is tiered by distinguishing between public, semipublic, and non-regulated water systems.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

401 KAR 8:020

Contact Person:

Carole J. Catalfo

Phone: (502) 782-6914

Email: water@ky.gov (Subject Line: "Chapter 8 regulations")

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? There are 436 public water systems, and 52 semipublic water systems. Public water systems are often owned by city governments or organized under county governments. Other districts may, in some cases, have a water system.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 224.10-100 and 224.10-100 authorize the cabinet to regulate public and semipublic water systems. C.F.R. 141 and 142 are promulgated by the U.S. EPA pursuant to the Safe Drinking Water Act.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? The entities may incur nominal administrative costs to add information to monthly operating reports and Operations Manuals. Public water systems that currently do not have a flushing program may incur costs to design and implement a flushing program. There will be additional administrative costs to the Division of Water to collect and maintain data.

(d) How much will it cost to administer this program for subsequent years? Once the initial information is added to monthly operating reports and Operations manuals, and public water systems have established a flushing program, additional continuing costs should be minimal. The additional continuing costs to the Division of Water should be minimal.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: Additional administrative costs should be minimal. The number of public water systems that do not have a current flushing program cannot reasonably be determined, therefore, the cabinet is unable to calculate cost estimates.

FEDERAL MANDATE ANALYSIS COMPARISON

401 KAR 8:020

Contact Person:

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Email: water@ky.gov (Subject Line: "Chapter 8 regulations")

1. Federal statute or regulation constituting the federal mandate. The Safe Drinking Water Act (42 U.S.C. 300f through 300j-26), 40 C.F.R. 141 and 142. There is no federal mandate regarding submetering or flushing programs.
2. State compliance standards. KRS 224.10-100, 224.10-110
3. Minimum or uniform standards contained in the federal mandate. 40 C.F.R. 141 and 142 contain the national primary drinking water regulations and standards for implementation of the federal Safe Drinking Water Act.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate? Yes. Portions of this regulation are promulgated under KRS 224.10-110 and 224.10-100. These requirements are for general operation and maintenance, boil water notices and advisories, and other general requirements for a public water system that have no federal counterpart and are intended to protect public health.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The requirements in this regulation were promulgated under state law and most were in place prior to the Safe Drinking Water Act. Kentucky's heavy use of surface water sources and karstic groundwater geology have led to long-standing practices and requirements designed to help protect public health. Flushing programs are designed to protect public health.

Detailed Summary of Material Incorporated by Reference

I. This administrative regulation incorporates by reference the “Recommended Standards for Water Works, 2012 Edition”, A Report of the Water Supply Committee of the Great Lakes-Upper Mississippi River Board of State Public Health and Environmental Managers’ Recommended Standards for Water Works, 2012. This document is used to determine acceptable additives and protective materials for water treatment chemicals and system components. This document is the most recent edition of this publication.

This document consists of 166 pages.

II. This administrative regulation incorporates by reference the “Annual Water System Data” form, DOW0801, (April 2017). This form is submitted annually by public water systems to the cabinet to provide annual data related to water delivered to customers during the previous year.

This document consists of one (1) page.